

Notice of Allowability

Application No.

10/086,167

Examiner

Paul Contino

Applicant(s)

GEORGE, SUBIN

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1 July 2005.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ The drawings filed on 28 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Kowert (Reg. No. 39,255) on August 17, 2005.

2. The application has been amended as follows:

3. As in claim 12, please insert **“, wherein a given portion of said storage medium is listed on said non-read list in response to unsuccessfully copying data from a bad portion of said storage medium to said given portion”** between “list” and “,” in line 14.

4. As in claim 18, please insert **“, wherein a given portion of said storage medium is listed on said non-read list in response to unsuccessfully copying data from a bad portion of said storage medium to said given portion”** between “portion” and “.” in line 18.

Allowable Subject Matter

5. Claims 1-29 are allowed.

6. The following is an examiner's statement of reasons for allowance:

7. Claims 1-11 are allowed in reference to the specific limitation in claim 1: "if said copying is unsuccessful, adding the address of the new portion to the non-read list." When this limitation within claim 1 is read in context with the entirety of claim 1, the novelty of the invention is apparent. Claims 2-11 are allowed based upon their dependency to claim 1.

8. Claims 12-17 are allowed in reference to the specific limitation in claim 12: "wherein a given portion of said storage medium is listed on said non-read list in response to unsuccessfully copying data from a bad portion of said storage medium to said given portion". When this limitation within claim 12 is read in context with the entirety of claim 12, the novelty of the invention is apparent. Claims 13-17 are allowed based upon their dependency to claim 12.

9. Claims 18-28 are allowed in reference to the specific limitation in claim 18: "wherein a given portion of said storage medium is listed on said non-read list in response to unsuccessfully copying data from a bad portion of said storage medium to said given portion". When this limitation within claim 18 is read in context with the entirety of claim 18, the novelty of the invention is apparent. Claims 19-28 are allowed based upon their dependency to claim 18.

10. Claim 29 is allowed in similar fashion with respect to the referenced limitation in claim 1: "means for listing the second portion on a non-read list if data stored to the first portion is not successfully copied to the second portion." When this limitation is taken in consideration of the whole of claim 29, the novelty of the invention is apparent.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. PGPub 2003/0156471 Ueda et al., which discloses defect list management. U.S. Patent No. 6,272,085 Maeda, which discloses defect sector management. WO 01/75879 A1 Ueda et al., which discloses defect management.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 7:30 am - 5:00 pm, first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3657.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFC
August 18, 2005


SCOTT BADERMAN
PRIMARY EXAMINER